

Appln. S/N 10/670,268
Amdt. dated June 28, 2006
Reply to Office Action dated March 28, 2006

Amendment to the Figures

Applicant has amended Figure 3 to include indication of microperforations in the liner bag as illustrated by the newly added enlargement area and microperforations 121.

REMARKS/ARGUMENTS

Applicant has amended claim 1 of the application. No other amendments have been made. Claims 1-18 remain pending. Amendments were additionally made to Figure 3 and paragraph [0046] of the specification as filed.

The Examiner objected to the drawings under 37 CFR 1.83(a) stating that the micro perforations of claim 6 are not shown in the figures. Applicant has amended Figure 3 to include an enlargement of a section of liner 120 illustrating microperforations. Additionally, Applicant has amended paragraph [0046] which formed part of the description of Figure 3 to include reference to the microperforations of the liner.

Applicant submits that no new matter has been added by way of this amendment as numerous references were present in the specification as filed referring to the optional presence of microperforations and micropores. Applicant directs the Examiner's attention to paragraphs [0025], [0035], and [0059] which all discuss the optional use of microperforations in the liner.

Applicant requests, that in view of this amendment to the Figures and the Description, that the objection under 37 CFR 1.83(a) be withdrawn.

The Examiner rejected claims 1 and 9-18 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,845,995 to Starlinger Huemer. The Examiner noted that claim 1 recited "exactly one of the sack body and cover sheet are constructed from monoaxially oriented woven tape fabric" and further noted that this phrase has not been defined to mean that only one of the two are constructed from monoaxially oriented woven tape fabric.

Accordingly, Applicant has amended claim 1 to replace the word "exactly" with "only". Applicant submits that Starlinger Huemer does not disclose that "only one of the sack body and cover sheet are constructed from monoaxially oriented woven tape fabric" and as such, Applicant requests that the rejection of claim 1 under 35 USC 102(b) be withdrawn.

Applicant notes that claims 9-18 all depend on claim 1, either directly or indirectly, and as such, each include the limitations of claim 1, as amended. Applicant reiterates the arguments presented above with respect to claim 1, applies them to each of claims 9-18 and requests that the rejection of these claims under 35 USC 102(b) be withdrawn.

The Examiner rejected claims 1-4 and 7 under 35 USC 103(a) as being obvious in view of the combination of Starlinger Huemer and Wilharm. The Examiner noted that Starlinger Huemer teaches the limitations of the claim with the exception of the liner being larger than the sack body. With respect to claim 1, Applicant respectfully submits that Starlinger Huemer does not disclose that "one of the sack body and cover sheet are constructed from monoaxially oriented woven tape fabric", and that the teachings of Wilharm would not lead one to this limitation. Accordingly Applicant submits that the combination of Starlinger Huemer and Wilharm do not teach the limitations of claim 1, and accordingly request that the rejection under 35 USC 103(a) be withdrawn.

With respect to claims 2-4 and 7, Applicant notes that these claims depend on claim 1, either directly or indirectly, and accordingly include all the limitations of claim 1. Applicant re-iterates the arguments presented above with respect to claim 1, and applies them to each of claims 2-4 and 7. Accordingly, Applicant requests that the rejection of claims 2-4 and 7 under 35 USC 103(a) be withdrawn.

The Examiner rejected claims 1-3, 5 and 8 under 35 USC 103(a) as being obvious in view of the combination of Starlinger Huemer and Cook et al. The Examiner has stated that Starlinger Huemer teaches all the limitations of these claims with the exception of a sack liner attached to the sack body by stitching. The Examiner then introduces Cook et al. to indicate teaching of this in an analogous fashion. With respect to claim 1, Applicant respectfully submits that Starlinger Huemer does not disclose that "one of the sack body and cover sheet are constructed from monoaxially oriented woven tape fabric", and that the teachings of Cook et al. would not lead one to this limitation. Accordingly Applicant submits that the combination of Starlinger Huemer and Cook et al. do not teach the limitations of claim 1, and accordingly request that the rejection under 35 USC 103(a) be withdrawn.

With respect to claims 2, 3, 5 and 8, Applicant notes that these claims depend on claim 1, either directly or indirectly, and accordingly include all the limitations of claim 1. Applicant re-iterates the arguments presented above with respect to claim 1, and applies them to each of claims 2, 3, 5 and 8. Accordingly, Applicant requests that the rejection of claims 2, 3, 5 and 8 under 35 USC 103(a) be withdrawn.

The Examiner rejected claims 1-3, 6 and 8 under 35 USC 103(a) as being obvious in view of the combination of Starlinger Huemer and Beaulieu. The Examiner has stated that Starlinger Huemer teaches all the limitations of these claims with the exception of the sack having a microperforated liner. The Examiner then introduces Beaulieu to indicate

teaching of this in an analogous fashion. With respect to claim 1, Applicant respectfully submits that Starlinger Huemer does not disclose that "one of the sack body and cover sheet are constructed from monoaxially oriented woven tape fabric", and that the teachings of Beaulieu would not lead one to this limitation. Accordingly Applicant submits that the combination of Starlinger Huemer and Beaulieu do not teach the limitations of claim 1, and accordingly request that the rejection under 35 USC 103(a) be withdrawn.

With respect to claims 2, 3, 5 and 8, Applicant notes that these claims depend on claim 1, either directly or indirectly, and accordingly include all the limitations of claim 1. Applicant re-iterates the arguments presented above with respect to claim 1, and applies them to each of claims 2, 3, 5 and 8. Accordingly, Applicant requests that the rejection of claims 2, 3, 5 and 8 under 35 USC 103(a) be withdrawn.

Applicant submits that in view of the amendments and above presented arguments, that the objections and rejections of the drawings and claims should be withdrawn. At this time, the Applicant submits that the application is in condition for allowance and earnestly solicits action to that end.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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